

**REMARKS**

The above amendments and following remarks are responsive to the points raised in the June 28, 2005 non-final Office Action. Upon entry of the above amendments, Claim 15 will have been amended and Claims 1-15 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

**Response to the Objection of the Specification and Abstract**

The Examiner has objected to the specification and Abstract on the basis of various identified informalities.

Applicants have amended both the specification and Abstract to overcome the Examiner's objection.

Accordingly, the objection to the specification and Abstract is now moot and should be withdrawn.

**Response to Rejection under 35 U.S.C. § 112, Second Paragraph**

Claim 15 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended Claim 15 to obviate this rejection.

Accordingly, the rejection under 35 U.S.C. § 112, second paragraph, should be withdrawn.

**Response to Rejection under 35 U.S.C. § 102(b)**

Claims 1, 3, 5-8, and 12-14 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over US Patent 6,047,042 to Khutoryansky et al. (Khutoryansky). Applicants traverse this rejection.

Claim 1 recites a radiographic apparatus including:

“a control section which decides a mode of use of outputs from the plurality of radiation dose detection sections on the basis of a relative positional relationship between the object and the radiographic apparatus.”

Contrary to the Examiner’s position, Khutoryansky neither teaches nor suggests that the control element (112) thereof decides a mode of use of outputs from the plurality of sensor elements (120a-120y, 124a-124y, and/or 320a-320y) on the basis of a relative positional relationship between the object (116 and/or 316) and the radiographic apparatus sensor array (110 and/or 122). The Examiner makes reference to the Khutoryansky disclosure at Column 7, Lines 26-34, which states that:

“The control element 112 permits manual or automatic selection of which sensors are to be used in controlling the exposure parameter or parameters. By selecting for use in exposure control those sensor array elements or locations which closely correspond to the geometry of the SRI 116, the exposure characteristics of the SRI 116, may be optimized, and exposure errors due to anomalous conditions outside the SRI 116 may be minimized.”

No where within these, or other, words of Khutoryansky is it seen where Khutoryansky teaches or suggests that the control element 112 decides a mode of use of outputs from the sensor array elements on the basis of a relative positional relationship between the object and the radiographic apparatus. Rather, the control element 112 of Khutoryansky permits manual or automatic selection of sensors to be used in controlling the exposure parameter(s) by selecting which sensor array elements will be used in exposure control. The control unit recited in Claim 1, in contrast, decides a mode of use of outputs from the plurality of radiation dose detection sections on the

basis of a relative positional relationship between the object and the radiographic apparatus.

Claim 13 recites a radiographic method that is consistent with the radiographic apparatus recitation of Claim 1. As such, the subject matter recited in independent Claims 1 and 13 is distinguished over the reference of Khutoryansky. Claims 3, 5-8, 12, and 14, which depend from either of Claims 1 and 13, are likewise distinguished over Khutoryansky for at least the same reasons as Claims 1 and 13.

Accordingly, the rejection under 35 U.S.C. § 102(b) should be withdrawn.

**Response to Rejection under 35 U.S.C. § 103(a)**

Claims 2 and 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Khutoryansky, as applied to Claim 1, and further in view of Japanese patent document JP 06-251893 to Kobayashi et al. (Kobayashi). Claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Khutoryansky, as applied to Claim 3, and further in view of Japanese patent document JP 2000-023959 to Katayama (Katayama). Claim 15 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Khutoryansky in view of US Patent 6,459,755 to Li (Li). Applicants traverse these rejections.

For at least the same reasons as independent Claims 1 and 13, dependent Claims 2, 4, 9-11, and 15 are distinguished over the applied primary reference of Khutoryansky in view of the respective secondary teachings of Kobayashi, Katayama, and Li, either alone or in combination. Claims 2, 4, and 9-11 are dependent upon Claim 1 and thus, include all of the limitations of Claim 1 including a control unit that decides a mode of use of outputs from the plurality of radiation dose detection sections on the basis of a relative positional relationship between the object and the radiographic apparatus. Independent Claim 15, which recites a computer readable

medium encoded with a computer program which causes a computer to execute a radiographic method applied to a radiographic apparatus, is consistent with the subject matter of independent Claims 1 and 13 discussed above.

Notwithstanding any specific teaching of either Kobayashi, Katayama, or Li, neither Kobayashi, Katayama, nor Li, either alone or in combination with Khutoryansky, advance any teaching or suggestion that would have motivated one of ordinary skill in the art, at the time the invention was made, to have modified the primary reference of Khutoryansky, as suggested by the Examiner. As such, Claims 2, 4, 9-11, and 15 are distinguished over the primary reference of Khutoryansky in view of the secondary references of Kobayashi, Katayama, or Li, either alone or in combination.

Accordingly, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

## **CONCLUSION**

Applicant respectfully submits that Claims 1-15 are in condition for allowance and a notice to that effect is earnestly solicited.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any fees which may be required for filing this Amendment and Request for Reconsideration to Deposit Account No. 13-4500, Order No. 1232-5259.

Respectfully submitted,  
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